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Paper 6

Filed by: Interference Trial Section Merits Panel  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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HING FAI TSE  
Junior Party,  
(Applications 29/094,340, and 29/094,341),

v.

LEONARD ANDRUS and JEFFREY KOT  
Senior Party  
(Application 29/091,482).

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Patent Interference No. 104,506

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Before: SCHAFER, LEE and TORCZON, Administrative Patent Judges.

PER CURIUM

**JUDGMENT PURSUANT TO 37 CFR § 1.662(a)**

Junior Party Andrus, through counsel, has filed an express abandonment of his involved design application 29/091,482. A copy of the express abandonment is attached to and made part of this judgment. Section 1.662(a) of Title 37 provides in relevant part:

Abandonment of an application, other than an application for reissue having a claim of the patent sought to be reissued involved in the interference, will be

treated as a request for entry of an adverse judgment against the applicant as to all claims corresponding to all counts.

Andrus' express abandonment of the application is treated as a request for adverse judgment as to the sole design claim and count 1. Accordingly, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, p. 32) the sole count in the interference, is awarded against the senior party LEONARD ANDRUS and JEFFREY KOT.

FURTHER ORDERED that, judgment on priority as to Count 1 is awarded in favor of junior party HING FAI TSE.

FURTHER ORDERED that, on the record before the Board of Patent Appeals and Interferences, senior party LEONARD ANDRUS and JEFFREY KOT is not entitled to a patent containing the sole claim (corresponding to Count 1) of application 29/091,482, filed July 30, 1998.

FURTHER ORDERED that on the record before the Board of Patent Appeals and Interferences, junior party HING FAI TSE is entitled to a patent containing the sole claim (corresponding to Count 1) of each of applications 29/094,340, and 29/094,341, filed September 30, 1998.

FURTHER ORDERED that a copy of this decision be given a paper number and be made of record in the files of applications 29/091,482; 29/094,340 and 29/094,341.

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RICHARD E. SCHAFER )  
Administrative Patent Judge )  
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JAMESON LEE )  
Administrative Patent Judge )  
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RICHARD TORCZON )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

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